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By ECF

September 12, 2022

Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. James Capers
15 Cr. 607 (JPC)

Dear Judge Cronan:

I write with the Government's consent to respectfully request that James Capers' sentencing – presently scheduled for Thursday, September 15th at 2:30 pm – be rescheduled until November 22 or November 23. The reason for the request is that while I was recovering from a pneumonia that does not respond to antibiotics, I tested positive for Covid-19. I anticipate taking several weeks to recuperate, by which time my colleague, Mr. Silverman, will be on trial for over one month in *United States v. Battice*, 20 Cr. 293 (WFK) in the Eastern District of New York.

Mr. Capers faces a very high mandatory minimum and is years away from reaching it. This sentencing is high stakes for him and we respectfully request the adjournment so that counsel can be at full strength to handle it. I spoke with Assistant United States Attorney Jason Swergold and he consents to this request. Thank you for your consideration.

Respectfully submitted,

/s/Andrew Patel
Andrew Patel
Benjamin Silverman
Attorneys for James Capers

cc: Counsel of record (by ECF)

Because the Court is unavailable on November 22 or 23, the sentencing previously scheduled for September 15, 2022, is adjourned until December 1, 2022, at 10:00 a.m.

SO ORDERED
Date: September 12, 2022
New York, New York


JOHN P. CRONAN
United States District Judge